

POLICY STATEMENT 35 STORM DRAINAGE IMPROVEMENT REQUESTS

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Effective: 10/30/14

Purpose

To adopt an official policy pertaining to storm drainage improvement requests from citizens

Coverage

All storm drainage system improvement requests. This shall include, but not be limited to, existing storm drainage structures, pipes, headwalls, and stream channels.

Policy

Requests for Assistance for Improvements on Private Property

- A. The Town accepts no responsibility to maintain any storm drainage systems on privately owned property.
- B. Petitioners for assistance shall be owners of property already subdivided and developed for private purposes.
- C. A special assessment as allowed by NC G.S. [160A-216](#) shall be used as basis for a cost sharing formula of 50% Town and 50% petitioner(s) will be used in funding approved projects. Notwithstanding the preceding, if the property owners enter into an agreement with the Town prior to the beginning of construction, agreeing to pay 50% of the cost of the project, then property owner may pay such proportionate share in installment payments. Installment payments may be over a term of up to five (5) years for property owner obligations of \$11,000.00 or less and up to ten (10) years for property owner obligations that exceed \$11,000.00. A promissory note and deed of trust shall be used to qualify for such installment payments in lieu of a special assessment. Installment payments will be interest bearing in accordance to the rate stated for miscellaneous invoices in the budget fee schedule. In addition, property owners using the installment payment option will be required to pay loan processing and closing costs, including but not limited to title search and recording fees. The initial installment payment will be due prior to beginning of construction. Project cost overruns or underruns will result in modifications to the amount of the promissory note. These changes will be processed within 30 days of completion of the project.

All required documentation must be submitted and approved by the Town prior to the start of construction. If the petitioner chooses to make a full cash payment for the cost share portion of the project costs, the amount will be based upon the accepted construction bid amount. If overruns occur during construction, the petitioner will be invoiced for the remaining cost share portion of the project. This amount will be due within 30 days from the final post construction invoice from Town itemizing total construction costs over the original accepted construction bid amount and payable in one lump sum. Project under runs, if applicable, will be paid to the property owner within 30 days of completion of the Project.

- D. The cost of the proposed project will be weighed against the benefit gained in determining the viability of a petition for assistance.
- E. The least cost alternative as determined by the Town shall be the basis for determining the Town's level of funding for approved projects.

- F. The benefactors of the petition(s) will be assessed their share of the cost of the approved project as outlined by NC G.S.160A 216 – 236. If an agreement is used in lieu of assessment, as provided in C. this will not apply.
- G. Upon receipt of a valid, signed petition (and executed agreement, if special assessment will not be used) the Town may clean a streambed, at its discretion, as determined by the Town Manager, provided that the petitioner(s) have secured all necessary state and federal environmental permits and the stream is likely to cause structural flooding or a public safety problem and the stream drains 50 acres or more.

If the streambed is approved to be cleaned the following shall apply:

1. The Town will not be responsible for the cost of any damage to any person or property as a result of streambed cleaning.
 2. The petitioner(s) shall constitute at least 50% of the owners of affected properties to constitute the basis of a project.
 3. The petitioner(s) shall agree to accept or pay for the disposal of the spoil generated by the cleaning of a streambed.
 4. The Town will not participate in projects that require the removal of a significant number of trees and/or natural areas adjacent to streams necessary for water quality purposes without the petitioner(s) securing all necessary state and federal permits.
- H. The Town will repair or replace existing storm drainage pipes, on private property, not originally installed by the Town only when structural flooding or severe erosion which impacts the structural stability of a habitable structural is involved.
 - I. Petitions shall be on forms provided by the Town of Cary.
 - J. The Town Manager shall present to Council annually a list of petitions received, reviewed and approved by the Director of Water Resources. Council will review the list and at its sole discretion approve any or all of the petitions for assistance.
 - K. Participation by the Town in the cost of the project shall be limited to the extent to which Town funds are available.
 - L. The petitioner(s) shall maintain and keep in good repair all improvements resulting from the project.
 - M. The petitioner(s) will, at no cost to the Town, grant all necessary easements required to construct the project(s).
 - N. In cases where the estimated costs of the proposed project are almost equal to or exceed the value of the affected property(ies), staff may evaluate the cost and effect of an outright purchase of the affected property(ies) for use as permanent Town open space. In making such an evaluation, staff shall consider the benefit to the public if such property is converted to permanent open space as to 1) stormwater quantity control, 2) water quality issues and 3) minimization of negative stormwater impacts. Staff shall present its evaluation to Council, who in its discretion, may decide to offer to purchase the property(ies) for conversion to permanent open space.

RATING SHEET

Directions for Using Rating Worksheet:

1) Select only one option from sections 1-5

Location: _____

Rated By: _____

Date: _____

| Sections 1-5 (select one) | | Max Points | Score |
|----------------------------------|---|-----------------------|--------------|
| Section | | | |
| 1 | Flooding in Finished Floor areas | | |
| | Flooding During 2-Year Storm or Less | 500 | |
| | Flooding During 10-Year Storm or Less | 250 | |
| | Flooding During 25-Year Storm or Less | 125 | |
| | Flooding During 100-Year Storm or Less | 50 | |
| OR | | | |
| 2 | Drainageway Deterioration Affecting Structural Stability of a Habitable Structure | 400 | |
| OR | | | |
| 3 | Crawl space and Other Structural Flooding (Includes garages and outbuildings) | | |
| | Flooding During 2-Year Storm or Less | 300 | |
| | Flooding During 10-Year Storm or Less | 150 | |
| | Flooding During 25-Year Storm or Less | 75 | |
| | Flooding During 100-Year Storm or Less | 30 | |
| OR | | | |
| 4 | Severe Streambank Erosion | | |
| | Severe Erosion resulting in a clear threat to a habitable structure | 400 | |
| OR | | | |
| 5 | Public Nuisances | | |
| | Clogged/Broken Pipes on Private Property (Must be 12" in Diameter or Larger and Receive Water From Public Property) | 100 | |

Subtotal:

Sections 6-9 Complete All

**Max
Points Score**

| Section | | AND | | |
|----------------|---|------------|-----|--|
| 6 | Does Project Require Permits? | | | |
| | Easily Permittable | | 0 | |
| | Moderately Difficult to Get Permits | | -25 | |
| | Very Difficult to Get Permits | | -50 | |
| | May be Impossible to get permits | | -75 | |
| AND | | | | |
| 7 | Will Project Require Mitigation? | | | |
| | No Mitigation Required | | 0 | |
| | Minimum Amount of Mitigation (< 10% of const. cost) | | -25 | |
| | Moderate Amount of Mitigation (10% to 30% of const cost) | | -50 | |
| | High Amount of Mitigation (> 30% of const. cost) | | -75 | |
| AND | | | | |
| 8 | Total Project Cost | | | |
| | > \$500,000 | | 0 | |
| | Between \$250,000 and \$500,000 | | 15 | |
| | Between 100,000 and \$250,000 | | 25 | |
| | Less than \$100,000 | | 50 | |
| AND | | | | |
| 9 | Is Project Consistent With Town Policies, Plans and Permits? | | | |
| | Yes | | 50 | |
| | No | | 0 | |

Subtotal:

PROJECT RATING

(add the subtotals from page 1 and 2)